

Docket No.: 0042-0455P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mikio IHAMA et al.

Application No.: 09/955,438

Filed: September 19, 2001

For: SILVER HALIDE PHOTOGRAPHIC
EMULSION

Allowed: January 29, 2007

Confirmation No.: 9440

Art Unit: 1752

Examiner: A. C. Walke

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OFFICE OF PETITIONS

**PETITION TO WITHDRAW APPLICATION FROM
ISSUE PURSUANT TO 37 CFR 1.313 (c) (1-3)**

MS Post Issue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner hereby petitions the Commissioner to withdraw the above-identified application from issue. The Issue Fee in this application was timely paid on April 27, 2007.

It is requested that the above-mentioned application be withdrawn from Issue for the following reason:

☐ Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable (37 C.F.R. § 1.313(c)(1));

☒ Consideration of a request for continued examination in compliance with § 1.114 (37 C.F.R. § 1.313(c)(2)); or

Birch, Stewart, Kolasch & Birch, LLP

MSW/GMD/mua

05/10/2007 09:10:04 00000004 022448 09555438

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Application No.: 09/955,438

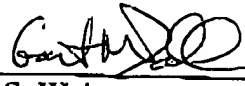
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☐ Express abandonment of the application. Such express abandonment may be in favor of a continuing application (37 C.F.R. § 1.313(c)(3)).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: May 10, 2007

Respectfully submitted,

By  #43575
Marc S. Weiner
Registration No.: 32,181 *RS*
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

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PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision) Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450	Application Number	09/955,438-Conf. #9440
	Filing Date	September 19, 2001
	First Named Inventor	Mikio IHAMA
	Art Unit	1752
	Examiner Name	A. C. Walke
	Attorney Docket Number	0042-0455

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Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.
 This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 02-2448 :
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.
☐ Check in the amount of \$ _____ is enclosed.
☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants.
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(a) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

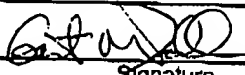
For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.296 - for review of refusal to publish a statutory invention registration.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.660(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.16 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.81 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

 #42575
 Signature
 Marc S. Weiner
 Typed or printed name

May 10, 2007
 Date
 32,181
 Registration No., if applicable

PTO/SB/97 (09-04)

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Application No. (if known): 09/955,438

Attorney Docket No. 0942-0456P

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Fee Transmittal authorization to charge DP acct. (1 page)
Petition Fee Transmittal (1 page)
Petition to Withdraw Application from Issue (37 CFR 1.313) (2 pages)
Information Disclosure Statement (5 pages)
IDS (Citation) by Applicant (1 reference) (1 page)
Request for Continued Examination (1 page)
1 Reference (20 pages)
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OFFICE OF PETITIONS

DATE: May 10, 2007

PTO IDENTIFIER: Application Number 09/955,438-Conf. #9440
Patent Number

Inventor: Mikio IHAMA et al.

MESSAGE TO: US Patent and Trademark Office, Office of Petition

FAX NUMBER: (571) 273-0025

FROM: BIRCH, STEWART, KOLASCH & BIRCH, LLP
Garth M. Dahlen

PHONE: (703) 205-8000

Attorney Dkt. #: 0042-0455P

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BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East, P.O. Box 747, Falls Church, Virginia 22040-0747
Telephone: (703) 205-8000 Facsimile: (703) 205-8050